

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GERALD FISK,

Plaintiff,

v.

METABOLIFE INTERNATIONAL, INC.,  
THE CHEMINS COMPANY, INC. and  
ALPINE HEALTH PRODUCTS, L.L.C.,

Defendants.

NO. CV05-1068P

JOINT STATUS REPORT

The undersigned parties make the following Joint Status Report in response to the Court's Minute Order dated November 6, 2006.

The above-captioned case is part of group of ephedra-related personal injury lawsuits brought against Metabolife International, Inc. and related entities. Defendant Metabolife International, Inc. filed for bankruptcy under Chapter 11 of the United States Bankruptcy Code, and these cases were stayed. On November 2, 2005, Chief Judge Irma E. Gonzalez, of the United States District Court for the Southern District of California, granted the petition of Debtor-in-Possession Metabolife International, Inc. to have all Ephedra-related lawsuits pending in courts other than the Southern District of New York, transferred to the Southern District of

JOINT STATUS REPORT - 1  
Case No. CV05-1068P


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1 California for Resolution. See Order Granting Petition of Debtors-in-Possession Pursuant to 28  
 2 U.S.C. § 157(b)(5), Exhibit A to Notice of Transfer dated December 2, 2005.

3 Following that Order, Judge Gonzales entered the Supplement Order Regarding Transfer,  
 4 attached to this Joint Status Report, on December 2, 2005. The Supplemental Order contained,  
 5 as Exhibit A, a list of non-MDL Ephedra actions. The above-captioned case, Fisk v. Metabolife,  
 6 was not included in this list purportedly due to the timing of its initial filing and notice to the  
 7 MDL panel. However, Fisk v. Metabolife has been included in a global settlement reached in  
 8 the bankruptcy action, which is expected to be approved by the bankruptcy court sometime in the  
 9 Spring of 2007. Final approval of the settlement of Fisk v. Metabolife will extinguish plaintiff  
 10 Fisk's claims and the above-captioned matter will be dismissed. Therefore, the undersigned  
 11 respectfully request that this Court stay any action on this matter until June 2007, to allow the  
 12 global settlement to be finalized.


13 DATED this 16<sup>th</sup> day of November, 2006.

14 MERRICK, HOFSTEDT & LINDSEY, P.S.

15  
 16 By   
 17 Andrew C. Gauert, WSBA #5633  
 18 Shannon M. Whitemore, WSBA #31530  
 19 Of Attorneys for Defendants

20 DATED this 16<sup>th</sup> day of November, 2006.

21 KRAFT PALMER DAVIES, PLLC

22  
 23 By   
 24 Lance Palmer, WSBA #18141  
 25 Of Attorneys for Plaintiff  
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